

SUSPENSION



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

HHS

September 25, 2013

Honorable Joseph Lorigo
Erie County Legislature
92 Franklin Street, Fourth Floor
Buffalo, New York 14202

**Re: Responses to your Questions concerning Department of Social Services
Reorganization Plan**

Dear Legislator Lorigo:

I am writing in response to your September 24th email message (sent at 4:30 pm) and your list of eleven (11) questions you posed in that email regarding the Department of Social Services' ("DSS") reorganization plan which is pending before the Erie County Legislature for action on September 26th.

As I stated in my oral testimony at the Legislature's Health and Human Services Committee yesterday, the administration is happy to answer any additional questions legislators may have concerning this request. I regret that you are unable to meet with me or Commissioner Carol Dankert-Maurer to discuss this matter, but I am pleased to provide detailed written responses to your questions.

I would take issue with one of the statements in your email, where you wrote that "I am even more puzzled by the fabricated urgency of the request." DSS has been working on this matter since June 2013, and we clocked in the request to the Legislature fifteen (15) days ago. Had the Legislature not been on its annual summer recess for two months, we would have clocked in the reorganization request sooner. In addition, since clocking-in the request on September 10, 2013, neither Commissioner Dankert-Maurer nor myself received any questions, feedback, etc., from you or the Minority Caucus prior to yesterday's hearing.

As I am sure you will agree, given the various issues in Child Protective Services ("CPS") and DSS, time is of the essence and any unjustified delays in acting on the plan will not help address and resolve these issues to help serve our community.

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For convenience, please find below the questions as you posed them in your email message as well as our responses.

1. We are funding this request with contractual cuts to New Directions, The Salvation Army and ECMCC. Please provide me with a written analysis of these cuts, including the service reductions my constituents may see as a result. It was implied that these organizations are supportive of these cuts. Statements that indicate that would also be helpful.

As indicated in a letter signed by Deputy Budget Director Timothy Callan and sent to all legislators earlier today via email, and as he and Commissioner Dankert-Maurer orally stated yesterday, the ten positions will be funded as follows in 2014: (1) a \$3,889 reduction in the DSS contract with the Salvation Army; (2) the elimination of the New Directions FAR contract (\$95,000); (3) the rollover of unused funds from the Erie County Medical Center Corporation ("ECMCC") Vocational Rehabilitation contract (\$70,054); and (4) a reduction in the 2014 interdepartmental billing for the Department of Mental Health ("DMH" -\$188,732).

DMH, New Directions and the Salvation Army have been informed of these adjustments and there are no problems or issues. The ECMCC contract was not executed for 2013 due to a decision by ECMCC. There will be no service reductions of any kind associated with these adjustments for 2014. Additional information regarding these actions is below:

Mental Health: Over the past several years, DMH actual claims were below the approved level. DSS has worked with DMH administration throughout the past year to "right size" the contracts/agreements. Meetings were held in June regarding the 2013 DSS-DMH Interfund amounts and the transition levels into 2014. Further meetings were held in July related to funding for intended Say Yes to Education Buffalo initiatives that affected 2013 and 2014 DSS-DMH Interfund amounts. In August 2013 the final agreement was reviewed in a formal review meeting between DMH and DSS. As the reduction was a result of underclaims, there is no impact to the level of service in the community.

New Directions: By fall of 2012, Erie County had reduced its FAR scope to address educational neglect and as a result, the scope of the New Directions program was reduced. On July 29th Commissioner Dankert-Maurer informed Executive Director James Coder that the service would not be continued into 2014. DSS and New Directions administration worked together to phase out the program, directing the resources to provide Family Lead Assessment Guide with families seeking voluntary involvement in services to assess risk factors for such families. There is no impact to the community as the scope of program changed.

ECMCC Vocational Rehabilitation: On November 28, 2012 we received a letter from Richard Cleland, Chief Operating Officer of ECMCC stating their intentions to no longer support this program and therefore, no contract renewal occurred for 2013. Both parties agreed to eliminate the contract due to chronic underutilization, lack of both outcomes and concrete program design. Due to the fact that the service was severely underutilized, there is no material impact to the community.

Salvation Army: Throughout the past year DSS has worked with Salvation Army management to implement plans to control costs, including leveraging other available resources in community and supporting reimbursement only for cases referred by DSS. As a result, the claims have been reduced from \$13,000 to an average of \$6,500 per month. The restructuring of the payment system was designed by both DSS and the Salvation Army. There is no impact to level of service available in the community.

2. Please provide me with an organization chart of CPS.

CPS is supported in three of the four divisions in the Services Division, with the primary being District I. Please see the attached Organizational Chart with the yellow boxes indicating CPS leaders.

3. I am not interested in splitting hairs on what jobs are currently vacant in the department. I am however fully aware that the county has several vacancies and between our branches of government we possess the power to re-classify titles and job functions. Why aren't we doing that to fund these positions?

As you know, the Legislature's budget amendment for 2013 tripled the reductions in personal services account to nearly \$1.8 million. This has meant that the Division of Budget and Management ("Budget") has been compelled by the Legislature's actions to hold more than 200 full time positions countywide vacant in 2013 in an effort to try and meet the Legislature's target. This was an action forced on the administration by the Legislature.

Because of the Legislature's actions, DSS, which is the largest department in County government with 1,500 employees, has been forced to bear the disproportionate share of vacancy control. There are dozens of vacant positions in DSS at present across all divisions and units. These vacancies, with the exception of CPS, have been held by Budget, against the wishes of Commissioner Dankert-Maurer to try to meet the constraints imposed on the administration by the Legislature concerning turnover for 2013.

However, during 2012 and 2013, CPS has not been under this directive on vacancy control and all requests to fill CPS positions have been immediately released and honored by Budget and the County Executive, with no F-77s held.

Other DSS vacancies outside of CPS exist. However, more than half of the vacant positions are encumbered and cannot be deleted without negative consequences involving potential violations of civil service rules and/or the CSEA collective bargaining agreement. In addition, DSS is actively hiring for vacant positions in divisions such as Childrens' Services, Employment Assistance, Homefinding, Adoption, Investigations and Collections, and SNAP Eligibility to continue its mandated responsibilities and tasks, and as such, reallocating the few job group 8 vacant titles in those units is not a realistic or practicable option.

Finally, while I am not at liberty to comment on specifics prior to the release of the 2014 Budget, certain vacant existing titles in DSS will be addressed in the 2014 Budget, which means those positions are not available for reallocation in 2013.

4. What do the CPS caseworkers think of the reorganization plan? What was their level of involvement in the design of the plan? Has the union opined on the plan, and what were their findings?

The time of CPS workers is best used attending to their vital work responsibilities, which help protect the children of Erie County. As stated in yesterday's testimony, CPS workers are managing large and demanding caseloads and any efforts to help reduce the caseload burden is supported by our dedicated workers.

5. It was testified that there are 24 managers and 96 caseworkers in CPS. Our additions to both management and caseworkers will ultimately keep a similar ratio of management to employee. How does the administration respond to a legislator that thinks this is top heavy in terms of management?

CPS is not "top-heavy" with management, evidenced by the worker to supervisor ratio being consistent with state-guidelines. Commissioner Dankert-Maurer did not testify that there are 24 managers in CPS. As stated in the hearing, DSS management team is responsible for no less than 21 discrete programs in partnership with three (3) state agencies to address the complex, time sensitive needs of families in Erie County. Every manager is fully occupied with the responsibilities inherent with the scope of work performed by DSS

6. How did the administration come to the conclusion that more management was necessary to help reorganize the department, rather than implementing new managers?

As was clearly indicated in our PowerPoint presentation yesterday, a review of comparable counties in New York State, their management ranks, their caseloads, their social service district staffing and responsibilities clearly demonstrates that Erie County DSS is functioning with less management than other counties, many of which have fewer employees, clients and demands. DSS management, featuring the Commissioner, one (1) First Deputy Commissioner, three (3) Assistant Commissioners and one (1) Assistant Deputy Commissioner is over-burdened for a department of their size.

For instance, the Erie County Office of the Comptroller, which has about 34 employees, has a Comptroller, two (2) deputy comptrollers and an associate deputy comptroller.

Additional managerial oversight of DSS with its 1,500-employee workforce and client caseload is necessary to support the commissioner and to better serve our community and to address issues that arise, both in CPS and in other units.

7. What is the working relationship between the Departments of Social Services and Probation? Can we be assured that those who monitor persons that present a danger to themselves and others are being kept out of contact with children under the guise of CPS?

In 2008, with the transfer of Detention and Youth Bureau functions from Probation to the Erie County Department of Social Services, there is an Interfund Agreement that funds Probation officers/staff as part of the Family Support Team. This Team operates as part of Child Welfare. Mental Health Department, Probation Department and Children's Services staff all work together to engage with parents, guardians and youth as we seek to implement diversion strategies to prevent penetration of youth into the Family Court and Juvenile Justice systems for PINS/JD situations. A Collaborative Workgroup is active between the managers from all three

jurisdictions including Detention and our Family Court Youth Detention Office that coordinates services to these youth.

A call by any person or a mandated reporter, which includes Police and Probation Officers, to the State Central Registry registering suspicions of abuse or neglect to a child is the trigger for CPS involvement. Once engaged, CPS has a duty to assure the safety of the child at issue and to assess the risk for abuse, followed by putting in place the guidelines and services that will maintain safety as it relates to the child's particular situation. Finally, a determination of indicated or unfounded is made of the original allegation of abuse or neglect. CPS works closely law enforcement and all other facts of the criminal justice system throughout the process to ensure the safety of children.

8. Why isn't this reorganization being presented as part of the upcoming budget?

The proposed DSS reorganization plan was initiated in June 2013 and completed in late July. However, due to the Legislature's eight week summer recess, the administration was unable to submit the plan for the Legislature's consideration until September. It is impractical to have this plan delayed an additional three months until the 2014 Budget is in effect, especially after the administration already waited two months due to the Legislature's break. Recent events have shown the immediate need for changes to the department, and we should not risk another tragedy by delaying this reorganization.

In context of the 2014 County Budget, this reorganization plan does not increase department spending from its 2013 levels. As mentioned above, the plan is funded through cuts in the department's contracts and interdepartmental billing. Additionally, there will be at least ten (10) DSS positions deleted in the 2014 budget, resulting in minimal changes to legacy costs for the county. This plan is budget neutral for both the 2013 and 2014 Budgets.

9. What defines a CPS caseload?

A caseload consists of all cases wherein the CPS worker has a role and a set of responsibilities to fulfill:

- **Primary** responsibility for investigation;
- **Secondary** responsibility to support the primary worker usually in another county where the child or alleged perpetrator resides;
- **Case Manager** responsible for coordination and provision of services outlined in the case plan usually after the CPS investigation has been concluded and prior to the transfer of the case to Children's Services;
- **Case Planner** responsible for the direct provision of preventive services when no contract agency is involved generally prior to the transfer to Children's Services.

The majority of CPS caseloads consist entirely of **Primary** case assignments for investigation with some caseloads showing a single **Case Manager** assignment pending the completion of a case transfer to Children's Services when the case is to remain open for ongoing preventive services or foster care.

10. What is the recommended number of cases each case manager should handle?

OCFS has established a performance monitoring strategy for best practice on caseload size. On a monthly basis reports are issued that monitor each county's status against the benchmark of 15 cases per caseworker, the OCFS best practice caseload size. We receive our percentage, number of caseworkers over the 15 benchmark and our rank as amongst the 64 Boroughs and Counties in NYS. For August, Erie County ranked 44 out of the 64 Counties/Boroughs of NYS on the percentage of caseworkers with caseloads over 15 on the last day of the month.

11. Do CPS managers have caseloads to manage?

Team leaders provide direct oversight of 5-7 workers, and their entire caseload. They do not carry a caseload because of their numerous other responsibilities. The team leader oversees the work on an average of 75 cases at any given time. Team leaders often go into the field to assist a front-line worker or to accompany them on a particularly challenging assignment.

I trust that this information is helpful to you and addresses your questions. If you have any further questions, please do not hesitate to contact me or Commissioner Dankert-Maurer.

Sincerely,



Richard M. Tobe
Deputy County Executive

RMT

cc: Commissioner Carol Dankert-Maurer

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